

FILED

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT
for the
Western District of Texas

MAR 23 2015
CLERK U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY *[Signature]* DEPUTY

United States of America
v.
Lyndell Jay SHACKELFORD

) Case No. R 15-M-288
)
)
)
)
)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 21, 2015 in the county of Brewster in the
Western District of Texas, the defendant(s) violated:

Code Section
8 USC § 1324 (a)(1)(A)(iii)

Offense Description

On or about March 21, 2015, in Brewster County, in the Western District of Texas, defendant(s) did knowing or in reckless disregard of the fact that such an alien, Eleuterio LOPEZ-Padilla and Graciela Lorena PRESAS-Patino has entered, and remains in the United States in violation of law, conceals, harbors from detection, such alien in any place, including in any building. In violation of Title 8 United States Code Section 1324 (a)(1)(A)(iii).

This criminal complaint is based on these facts:

See Attached Affidavit

Continued on the attached sheet.

[Signature]
Complainant's signature

David M. Finley, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 03/23/2015

City and state: Alpine, TX

B. Dwight Goains, U.S. Magistrate Judge

Printed name and title

[Signature]
Judge's signature

Affidavit

On March 21, 2015, at approximately 11:30 a.m., a Border Patrol Agent was conducting sign cutting duties on the Dead Horse Mountain Ranch; AKA: Shackelford Ranch in Brewster County, Texas. The agent approached the main ranch house, and noticed three (3) individuals raking a gravel area. The agent approached the three (3) individuals to greet them as is common ranch etiquette.

The agent greeted the three (3) individuals in the English language but they appeared not to understand. The agent then greeted them in the Spanish language. When the agent addressed them in Spanish, one (1) individual responded for the group. The agent introduced himself to all of them and the individuals became increasingly nervous. Two (2) of the individuals did not make eye contact, and their hands were shaking. The agent suspected the individuals were illegally present in the United States. The agent departed the ranch and contacted a supervisor to inform him of the situation. The supervisor contacted Homeland Security Investigations (HSI) for guidance. HSI agents requested, Border Patrol Agents return to the Shackelford Ranch and conduct an immigration inspection.

When the agents returned to the ranch, the individuals were not outside. The agents approached the main ranch house and knocked on the door. The three (3) individuals answered the door and exited the house. The agents identified themselves as Border Patrol Agents and conducted an immigration inspection on all three (3) individuals. All three (3) individuals admitted they were Mexican citizens in the country illegally. The subjects were later identified as, Eleuterio LOPEZ-Padilla, Graciela Lorena PRESAS-Patino, and Carlos Alejandro LOPEZ-Presas. All three (3) were placed under arrest and transported to the Alpine Border Patrol Station for processing. HSI Agents responded to the Alpine Border Patrol Station to initiate an investigation.

HSI Agents conducted an interview of Eleuterio LOPEZ-Padilla who stated he and his family illegally entered the United States from Mexico on January 2, 2015. LOPEZ-Padilla stated he illegally entered for the purpose of working for Lyn (Lyndell) SHACKELFORD at the Dead Horse Mountain Ranch. LOPEZ-Padilla stated it is well known that SHACKELFORD employs undocumented aliens from Mexico. LOPEZ-Padilla stated they have been living in a bunkhouse on the ranch, near SHACKELFORD's main house. LOPEZ-Padilla identified Lyndell Jay SHACKELFORD from a photo lineup as the person he made arrangements with to work and live on the ranch. LOPEZ-Padilla stated his shift at the ranch is from 8am – 5pm with a lunch break from 12pm – 1pm. LOPEZ-Padilla stated SHACKELFORD compensated him, his wife, and his son, approximately \$1500 USD each since they have been employed at the ranch in 2015. At the time of his arrest, LOPEZ-Padilla was wearing a Dead Horse Mountain Ranch baseball cap. LOPEZ-Padilla further stated SHACKELFORD was fully aware that he and his family are undocumented aliens.

HSI Agents also interviewed Graciela Lorena PRESAS-Patino who corroborated her husband's version of events. PRESAS-Patino also stated they illegally entered from

Mexico in January and have been working and living on SHACKELFORD's Dead Horse Mountain Ranch. PRESAS-Patino stated they had also worked for and lived with SHACKELFORD for approximately nine (9) months in 2014 and had gone back to Mexico for the holidays in December. Since January 2, 2015, PRESAS-Patino stated she had been compensated \$1300 USD by SHACKELFORD for her employment at the ranch. PRESAS-Patino also identified SHACKELFORD from a photo lineup as the person who employs them and allows them to live on the ranch. PRESAS-Patino stated SHACKELFORD was fully aware that her and her family were undocumented aliens. Furthermore, PRESAS-Patino stated that in the past, SHACKELFORD has driven them down to the Rio Grande River and dropped them off as well as picked them up after they illegally crossed into the United States and transported them back to his ranch.

Assistant United States Attorney James Miller was contacted and advised of the facts. AUSA Miller accepted prosecution of Lyndell Jay SHACKELFORD for violations of Title 8 United States Code Section 1324 (a)(1)(A)(iii) - Harboring Undocumented Aliens.